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February 6, 2015

BY ECF

Honorable Judge Vera M. Scanlon
United States Magistrate Judge
Eastern District of New York
225 Camden Plaza East
Brooklyn, New York 11201

Re: Vincenzo Gavity v. City of New York, et al.
12-CV-6004 (KAM)(VMS)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to represent defendants City of New York, Police Officer Jose Tabora, Police Officer David Figueroa, Police Sergeant Joseph Durante, Police Lieutenant Richard Perullo, Police Officer Timothy Neis, and Police Officer Jan Folvarksy ("City defendants") in the above-referenced matter, in which plaintiff alleges, *inter alia*, that he was falsely arrested and that excessive force was used against him. Defendants write in accordance with Your Honor's ruling of January 6, 2015, in which parties were ordered to either file settlement papers by February 6, 2015, or else to explain why the settlement of this matter was not yet finalized. At this point the parties have not been able to come to an agreement regarding fees, and do not anticipate being able to do so absent court intervention.

By way of background, the City voluntarily agreed to settle this case on the same terms as those set forth in their Rule 68 Offer of Judgment on December 26, 2013. On January 7, 2015, plaintiff provided the undersigned backup documentation to support their claim for attorney's fees, which consisted of a 71-page bill. The undersigned received authority from the Comptroller and extended an offer to plaintiff on February 3, 2015. The parties then exchanged emails and had a meet and confer on February 4, 2015 at which point it was determined that, at this time, the parties appeared to be far apart, and fundamentally disagree about what constitutes reasonable fees in this case. Accordingly, we respectfully request a conference with Your

Honor in order to attempt a resolution of the attorney's fees issue, so that a final settlement in this matter may be reached without the need for further litigation.

We appreciate Your Honor's consideration of this request.

Respectfully submitted,
/s/

Melissa Wachs
Senior Counsel
Special Federal Litigation Division

cc:

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